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TRADEMARK
Serial No. 76/399,091
Express Mail No. EV332203011US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re the Application of:)
)
Sears Brands, LLC)
)
Serial No. : 76/399,091)
)
Filed : April 23, 2002)
)
Mark : ELITE)
)
Classes : 011)

Law Office 113
Julie A. Watson, Esq.

03-03-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

NOTICE OF APPEAL UNDER 37 C.F.R. 2.141

Applicant in the above-captioned proceeding herewith appeals from the Final Action dated October 28, 2003 refusing registration of the referenced application under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), to the Trademark Trial and Appeal Board, as permitted under 37 C.F.R. § 2.141. Submitted with this Notice of Appeal is the required fee of \$100.00. Pursuant to TBMP § 1202.03, Applicant notes that a Request For Reconsideration with respect to the captioned application is being filed concurrently with this Notice of Appeal. A brief in support of this Appeal shall be submitted in due course, as directed by the Board following disposition of the Request For Reconsideration. The Commissioner is hereby authorized to charge any insufficiency in the fees submitted herewith to Deposit Account No. 08-2523.

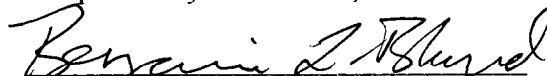
Dated: March 3, 2004.

03/09/2004 KGIBBONS 00000091 76399091

01 FC:6403

100.00 OP

Respectfully submitted,



Kristine M. Miller
Benjamin L. Blaugrund
HOLLAND & HART LLP
P.O. Box 8749
555 17th Street, Suite 3200
Denver, CO 80201
(303) 473-2733

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CERTIFICATE OF MAILING BY EXPRESS MAIL

BOX TTAB-FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir or Madam:

The undersigned hereby certifies that the attached Notice of Appeal, check for \$100.00 and return card, all relating to the above application, was deposited as "Express Mail," Mailing Label No. EV332203011US, with the United States Postal Service, addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on March 3, 2004.

March 3, 2004
Date

March 3, 2004
Date

Brenda H. Quatt
Mailer

Kristine M. Miller
Kristine M. Miller
Benjamin L. Blaugrund
HOLLAND & HART LLP
P.O. Box 8749
555 17th Street, Suite 3200
Denver, CO 80201
(303) 473-2710